

Application No. 10/776,649
Response dated May 25, 2005
In Response to November 26, 2004 Office Action

REMARKS

Species Election

The Examiner states that this application contains claims directed to patentably distinct species of the claimed inventions. The Examiner states that applicants are required to elect a particular anti-CTLA-4 antibody and to provide the following information with respect to the elected species of anti-CTLA-4 antibody:

- i) applicable heavy chain SEQ ID NO.;
- ii) applicable light chain SEQ ID NO.;
- iii) applicable CDR sequences from Figure 2;
- iv) relationship (if any) to the antibodies recited by clone designation in, e.g., claim 9; and
- v) which, if any, of the functional limitations recited, e.g., in claims 12-20, are encompassed by the elected antibody species.

The Examiner states that these species of anti-CTLA-4 antibodies are distinct because each antibody possesses a unique structure as determined both by its heavy and light chain sequences, and by the pairing of those sequences to produce the antigen binding site.

The Examiner states that applicants are required under 35 U.S.C. § 121(1) to elect a single disclosed species to which the claims would be restricted if no generic claim is finally held to be allowable and (2) to list all claims readable thereon including those subsequently added.

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Applicants elect anti-CTLA-4 antibody 4.1.1 (clone designation). The applicable heavy chain amino acid sequences are SEQ ID NO: 63, 64 or 1. The applicable light chain amino acid sequences are SEQ ID NO: 65 or 14. The applicable heavy chain CDR 1, 2 and 3 amino acid sequences of antibody 4.1.1 are shown in Figure 2. The applicable light chain CDR 1, 2 and 3 amino acid sequences of antibody 4.1.1 are shown in Figure 4. The functional characteristics of the elected species include but are not limited to those recited in claims 8-18 and 20. Claims 1-4, 8-18 and 20 read on the elected species.

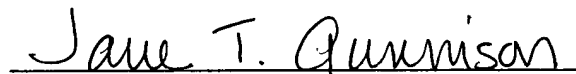
This election is made without waiver of applicants' rights to continue to prosecute claims to the non-elected subject matter either in this application or other applications claiming benefit herefrom.

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CONCLUSION

Applicants request entry of the amendments and early allowance of the claims.

Respectfully submitted,



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